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September 30, 2008

Phil Isenberg, Chair
Delta Vision Blue Ribbon Task Force
650 Capitol Mall
Sacramento, CA 95814

Board of Directors

Representing:

County of Sacramento

County of Yolo

City of Citrus Heights

City of Elk Grove

City of Folsom

City of Rancho Cordova

City of Sacramento

City of West Sacramento

Mary K. Snyder
District Engineer

Stan R. Dean
Plant Manager

Wendell H. Kido
District Manager

Marcia Maurer
Chief Financial Officer

Re: Comments on Fourth Staff Draft Report, Delta Vision Strategic Plan

Dear Chairman Isenberg:

The Sacramento Regional County Sanitation District (SRCSD) appreciates the opportunity to offer comments on the September 12, 2008 Delta Vision Strategic Plan, Fourth Staff Draft Report (Strategic Plan). As stakeholders and environmental stewards, SRCSD is actively involved in the protection of the Delta ecosystem and water supplies derived from the Delta and support the goal of the Delta Vision to ensure the long-term sustainability of the Delta and its ecosystem.

As you are aware, SRCSD has provided detailed comments on the previous three versions of the Strategic Plan and is providing additional comments on this fourth draft. SRCSD understands that the final version is currently being drafted and hopes that the Blue Ribbon Task Force does address our comments in their approval of a final version of the Delta Strategic Plan. As identified in our September 2, 2008 letter SRCSD's still has the following main concerns.

SRCSD Key Concerns

SRCSD recognizes the Delta is in peril and solutions must be implemented to protect its ecosystem and ensure its sustainability. Over the last several months SRCSD has focused its comments on five key concerns that must be addressed as solutions are developed to protect the Delta.

- **Stakeholder Involvement and Governance** - All processes must provide greater involvement of In-Delta Central Valley Stakeholders, *including clean water agencies* such as SRCSD. Any new governance structure should not supersede the authority of the State and Regional Water Boards.
- **Costs Must Be Allocated in Direct Proportion to Benefits Received** - Any solutions related to Delta water supply and reliability must not re-direct impacts and related costs to the Sacramento Region or upstream water users.

- **Objective Scientific Approaches to Identify Relevant and Cost Effective Solutions -** Strategies to protect the ecosystem must result in measureable benefits, and scientific linkages between “cause-and-effect” hypotheses must be sufficiently demonstrated.
- **Ecosystem Health and Water Quality –** SRCSD believes that any changes to the operation or structure of the Delta must be carefully evaluated to ensure that the goals of attaining a healthy ecosystem and providing a reliable water supply are actually equal and result in the ecosystem that is desired.

In addition to the above key concerns SRCSD also has the following specific comments on the Strategic Plan Volume 2, Strategy Descriptions, Strategy 3.5, Strategy 7.2, and Strategy 7.3.

SRCSD Specific Comments

1. Strategy 3.5-“Achieve sufficient water quality improvements to meet drinking water, agriculture, and ecosystem long term goals.” SRCSD has consistently commented on the fact that methyl mercury is not toxic to fish at the ambient methyl mercury concentrations that exist in the Delta. Methyl mercury bioaccumulates in fish, but is not toxic to fish at low levels. This misconception that methyl mercury is toxic to fish in the Delta is perpetuated when reiterated in documents such as this strategic plan. SRCSD requests stopping this inaccurate perception by simply removing the reference to methyl mercury being a contaminant that is toxic to fish.
2. In addition, Strategy 3.5 on page 27 lines 27-32 requires the Central Valley Regional Water Quality Control Board to re-evaluate wastewater treatment plant discharges and set discharge limits that are *fully* protective of human health and meet ecosystem needs. The Regional Board sets water quality objectives as defined in California water code that provide for the *reasonable* protection of beneficial uses. Water supply and aquatic habitat are two of the designated beneficial uses for the Delta. SRCSD requests changing the “fully protective” wording in lines 27-32 to “reasonably protective of beneficial uses”. The remaining requirements of this strategy imply that the Regional Board is not performing its regulatory functions, which is not the case.

The strategy should be reworded to describe the elements of the existing regulatory process for water quality in the Central Valley. The content and tone of the September 10, 2008 Central Valley Regional Board “Response to Request for Water Quality Information” letter to Phil Isenberg should be used in reframing the Delta Vision Strategic Plan text regarding water quality regulation.

As stated in that September 10, 2008 letter, the Regional Board confirmed that there are no impairments due to ammonia that appear on the list of impaired waterbodies, because there is no evidence that Central Valley waterways exceed safe levels of ammonia. The knowledge regarding safe levels of ammonia is based on the scientific information embodied in USEPA water quality criteria. The Regional Board is currently performing studies to assess whether the USEPA criteria are protective of sensitive Delta species (i.e. Delta smelt). Results from those studies will dictate whether more stringent standards are required for ammonia. Preliminary results from those studies in 2008 indicate that the USEPA criteria provide a sound basis for protection of Delta smelt.

3. Strategy 7.2- "Create a California Delta Ecosystem and Water Plan to ensure flexibility and consistency of action among state, federal and local entities." The recommendations on page 64 lines 12-18 should be removed, because the CDEW Council should use normal administrative processes to resolve inconsistent actions among federal, state, or local agencies not cease-and-desist orders or litigation.
4. Strategy 7.3- "Finance the activities called for in the California Delta Ecosystem and Water Plan from multiple sources." On page 67 lines 5-8 the discussion of delta conveyance economic benefits is confusing. What does the development of water quality benefits for identifying beneficiaries actually mean? This concept should be expanded and clarified as to the Task Force's intent. SRCSD continues to engage in the Delta Vision efforts and other Delta processes, to make sure a disproportionate burden of funding any solutions does not fall on Sacramento area ratepayers or upstream users since nearly every Californian benefits in some way from the Delta's water supply.

We request that the Task Force incorporate the above comments, as well as our comments that have been provided in previous letters, as they finalize the Delta Strategic Plan. SRCSD stands ready to participate in the process to investigate and find solutions for the Delta, and hopes that future workgroups will have representation balanced among all engaged interests, including wastewater agencies. We encourage you to help establish an open process that we and other stakeholders can participate in and add value to the process.

Sincerely,



FDV
Mary K. Snyder
District Engineer

cc: Delta Vision Blue Ribbon Task Force Members
Delta Vision Committee Members
State Water Resources Control Board Members
Central Valley Regional Water Quality Control Board Members
Lester Snow, Department of Water Resources
Debbie Webster, Executive Officer, Central Valley Clean Water Agencies
Wendell Kido, District Manager, SRCSD
Terrie Mitchell, Legislative and Regulatory Affairs Manager, SRCSD
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